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Chapter 11 Trustee of 121 West 122<sup>nd</sup> Street Corp.*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re	: Chapter 11
	:
MAYWOOD CAPITAL CORP., <u>et al.</u> ,	: Case No. 05-10987 (RDD)
	:
Debtors.	: (Jointly Administered)
	: Case Nos. 04-17047, 05-10944 to 05-
	: 10987, 05-11521 and 05-11523 (RDD)
----- X	
JOHN S. PEREIRA, as Chapter 11 Trustee of	:
121 WEST 122 <sup>ND</sup> STREET CORP.,	:
	:
Plaintiff,	:
	:
vs.	:
	:
HARRIET E. BEST,	: Adversary Proceeding No.
	: 05-02577 (RDD)
	:
Defendant.	:
----- X	

**APPELLEE'S DESIGNATION  
OF ADDITIONAL ITEMS TO BE  
INCLUDED IN THE RECORD ON APPEAL**

Appellee, John S. Pereira, Chapter 11 Trustee of 121 West 122<sup>nd</sup> Street Corp. (the "Trustee" or "Appellee"), pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), hereby submits the following additional items to be included in the record on appeal herein, in connection with Appellant's appeal of the

January 28, 2008 Order and Judgment In Favor of the Trustee and against Appellant Harriet E. Best (the “Order and Judgment”).

**ADDITIONAL DESIGNATION OF RECORD ON APPEAL**

<b>Item No.<sup>1</sup></b>	<b>Description of Pleading</b>
Joint Trial Exhibit No. 1	Recording and Endorsement relative to Notice of Order Approving the Appointment of Chapter 11 Trustee, dated May 2, 2005.
Joint Trial Exhibit No. 2	Title Report for property located at 121 W 122 <sup>nd</sup> Street, New York, New York as of April 1, 2005
Joint Trial Exhibit No. 3	Real Property transfer Report form RP-5217 NYC filed by Harriett E. Best
Joint Trial Exhibit No. 7	Notice To Attorn, concerning property located at 121 W 122 <sup>nd</sup> Street, New York, New York, dated June 2, 2005, together with affidavit of service
Joint Trial Exhibit No. 8	Recording and Endorsement relative to Cover Page Deed from 121 West 122 <sup>nd</sup> Street Realty Corp. to Harriett E. Best
Joint Trial Exhibit No. 15	New York City Department of Finance Automated City Register System user instructions for creation of Recording Cover Pages

In accordance with Bankruptcy Rule 8006, Appellee has provided (or will provide, as applicable) copies of the items designated herein to the Clerk of the Bankruptcy Court.

**Objection to Appellant’s Designation of Contents of Record on Appeal**

The Trustee objects to Appellant’s inclusion, in her “Designation of Contents of Record,” dated February 19, 2008 (“Appellant’s Designation”), of the transcript of the deposition of John S. Pereira (item number 28) (the “Transcript”) on the ground that the Transcript was neither part of the evidentiary record of the underlying trial, nor part of

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<sup>1</sup> The items designated were submitted as Joint Exhibits at the trial.

the docket of the underlying adversary proceeding. As a result, the Transcript could not have been considered by the Honorable Robert D. Drain, USBJ in rendering the Order and Judgment.

WHEREFORE, Appellee respectfully requests that the Clerk of the Bankruptcy Court transmit this Additional Designation and the Record on Appeal to the Clerk of the United States District Court, District of New York.

Date: New York, New York  
February 29, 2008

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